

## **EXHIBIT 2**

**DECLARATION OF DAVID M. JOLLEY IN SUPPORT OF OPPOSITION TO  
PLAINTIFFS' MOTION FOR JUDGMENT FOLLOWING REMAND**



## **Consumer Account Agreement**

**Important legal information,  
disclosures, and terms you  
need to know**

Effective April 1, 2013

Together we'll go far



## Withdrawals from your account

### Determining your account's *available balance*

Your *available balance* is the most current record we have about the funds that are available for withdrawal from your account. In determining whether you have sufficient funds to cover a transaction, we will consider all transactions that have posted to your account, any holds that may be in place on deposits you have made, and pending transactions (such as pending debit card purchases or ATM withdrawals) that the Bank has authorized but that have not yet posted to your account.

**Please note it is still possible for you to overdraw your account even though the *available balance* appears to show there are sufficient funds to cover a transaction that you want to make.** The *available balance* does not reflect all your outstanding checks, automatic bill payments (such as ACH and recurring debit card transactions) that you have authorized, or other transactions that have not been paid from your account. For example, when you write a check, the payee may not present the check to us for payment on the same day, so the outstanding check will not be reflected in your *available balance*.

Also, your *available balance* may not reflect all of your *card* transactions. For example, if a merchant does not submit a one-time debit card transaction for payment within three (3) *business days* of authorization (or for up to thirty (30) *business days* for certain types of debit or ATM card transactions, including but not limited to, car rental transactions, cash transactions, and international transactions), we must release the authorization hold on the transaction. The *available balance* will not reflect this transaction until it has been received by us and paid from your account. See the section entitled "authorization holds for *card* transactions" for information about how authorization holds affect your *available balance*. A one-time debit card transaction is referred to as an "everyday debit card transaction" in the document entitled "What you Need to Know about Overdrafts and Overdraft Fees."

Finally, your *available balance* may not reflect the most recent deposits to your account. For details on the availability for withdrawal of your deposits, see the section entitled "Funds availability policy."

### Order of posting; categories of *items*

We post transactions during our nightly processing each *business day*. Generally, we first post deposits or incoming transfers received before the deposit cutoff time that day. We then post your withdrawals (such as ATM, debit card or check transactions) that have been received for payment from your account. We pay some categories (or types) of transactions, such as debit card transactions, before other types of transactions, such as checks.

The order in which *items* are posted to your account will depend upon a number of factors. For example, in connection with our process of posting *items*, we have the right to (i) establish different categories of *items*, (ii) establish a posting order for each category of *item(s)*, and (iii) establish different posting orders for *items* within each category. Except to the extent limited by federal regulatory and judicial authorities, we have the right to change any of the factors described in (i), (ii) and (iii) listed above at any time without notice to you.

Establishing categories of *items*. We group *items* into categories defined by us. For example, we may group *card* transactions into one category, and group checks into another category. A single category established by us may include more than one type of *item*.

Establishing a posting order for each category of *item(s)*. We pay some categories (or types) of transactions, such as debit card transactions, before other types of transactions, such as checks.

Establishing a posting order of *items* within a single category. If there are multiple transactions within a category, the order in which the transactions are posted will vary depending on the type of transaction.

## Withdrawals from your account

For example, we will pay the most common types of transactions in the following order:

- ATM, debit card, Wells Fargo Online Bill Pay, account transfers, teller cashed checks and teller cash withdrawals – transactions will be sorted by the date the transaction was conducted. For a debit card transaction, if a merchant does not seek pre-authorization from the Bank at the time of the transaction, we will use the date the transaction is received for payment from your account. If there are multiple transactions on a date, those transactions will be sorted by time (where that information is available to our posting systems); the remaining transactions on that date will be sorted and paid from lowest to highest dollar amount.
- Checks and automatic payments (also known as ACH)

### All states except Nevada

If there are multiple transactions, the transactions will be sorted and paid from highest to lowest dollar amount.

### Nevada only

If there are multiple transactions, the transactions will be sorted in sequential order if the item has a serial number. Items without a serial number will be paid from highest to lowest dollar amount.

### Relation between posting order and overdrafts/returned items

On any given *business day*, if we receive more than one *item* for payment and if we determine there are sufficient funds to pay one or more but not all of the *items*, then the number of *items* paid and the *overdraft* and returned *item* fees assessed could be affected by the order that we choose to post those *items*. For example, if we post *items* in the order of highest to lowest dollar amount, the total number of *overdraft* and returned *item* fees you are charged could be larger than if we were to post the *items* in a different order.

### Paper items presented over-the-counter for payment by a non-customer

If a *paper item* drawn against your account is presented over-the-counter for payment by a person who does not have a deposit account at the Bank, the Bank may require identification acceptable to the Bank and not prohibited by the laws governing your account, including a fingerprint of the person presenting the *paper item*. The Bank may dishonor the *paper item* if the person refuses to provide the identification the Bank requests.

### Large cash withdrawals and deposits

If you want to cash a check (or make a cash withdrawal) for a very large sum, the Bank may require five *business days* advance notice so that it can order the cash from its vault. The Bank may require that you provide adequate security but the Bank has no obligation to do so. The Bank may also require that you arrange to pick up the cash at the Bank's central vault or other location. If you want to deposit cash for a very large amount, the Bank may, but is not obligated to, require you to provide adequate security or exercise other options to mitigate possible risks.

### Withdrawals at affiliates

You may make withdrawals from your account at an *affiliate*, provided the *affiliate* agrees. If an *affiliate* cashes an *item* for you, the bank may place a hold on your account(s) for a corresponding amount of funds. If the *item* is later returned to the *affiliate* for any reason, the Bank may debit one or more of your accounts at the Bank for the amount of the *item*.

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